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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,847	12/31/2001	Frank E. Fruth	TI-33130 (1.124US)	5311

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EXAMINER
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BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/029,847	<b>Applicant(s)</b> FRUTH, FRANK E.	
	<b>Examiner</b> Michael Burleson	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

*Handwritten initials and marks*

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) was submitted on June 24, 2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Garakani et al. US 2002/0064168.

3. Regarding claim 1, Garakani et al. teaches of a network (10) that operates in accordance with voice-over-internet protocol (voip) (page 1, paragraph 008)

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and the voip gateway (18) detects an ansam signal (page 2,paragraph 0032).

This reads on a method of discriminating voice, data and facsimile calls communicated through a voice-over-packet network comprising; identifying the existence of an answer signal or a modified answer signal communicated between an answering modem and an originating modem over said packet network.

4. Regarding claim 2, Garakani et al. teaches that an ansam tone is generated when an ansam signal is detected (page 3, paragraph 0034,0035 and 0042), which reads on generating an ans tone according to protocols of said originating modem, using an originating-side gateway, when said existence of said ans signal is identified by said answering-side gateway; generating an ansam tone according to protocols of said originating modem, using an originating-side gateway, when said existence of said ans signal is identified by said answering-side gateway.

5. Regarding claim 3, Garakani et al. teaches that once the ansam signal is detected, the channel is required to switch over to G.711 mode (page 3,paragraph 0035). He teaches that the voip gateway detects a V.8 call menu CM signal (page 3,paragraph 0036). This reads on enabling a V.8 call menu signal (CM) detector after said existence of either of said ANS or ANSam signals is identified by said by said originating gateway; transitioning said originating gateway from a voice mode of operation to a G.711 pass-through mode of operation after said existence of either of said ANS or ANSam signals is identified by said originating gateway; detecting a V.8 CM signal transmitted by

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the originating gateway at the originating gateway and suppressing its transmission into the packet network; identifying the CM call function as either (a) facsimile and modifying channel processing to either foip processing mode of operation or remain in G.711 pass-through mode of operation or (b) data modem and modifying channel processing to moip processing mode of operation.

6. Regarding claim 4, Garakani et al. teaches of terminating end-to-end physical layer (page 4, paragraph 0063, page 5, paragraph 0068 and 0070), which reads on identifying the termination of the communication of said ANS or said ANSam signal; terminating said generation of said ANS or said ANSam tone when said termination of the communication of said ANS or said ANSam signal is identified and disabling said CM detector when said termination of the communication of said ANS or said ANSam signal is identified.

7. Regarding claim 5, Garakani et al. teaches that after terminating the end-to-end layer, the local physical layer parameters are negotiated (page 5, paragraph 0070), which reads on after executing the steps of claim 4, transitioning said originating gateway to a facsimile relay processing mode of operation when a facsimile relay indication is received from said answering modem over said packet network.

8. Claims 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Olafsson et al. US 6768791.

9. Regarding claim 6, Olafsson et al. teaches of recognizing a V.8bis Cre signal (column 11, lines 48-67 and column 12, 1-5), which read on a method of

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discriminating voice, data and facsimile calls communicated through a voice-over-packet network comprising; identifying any one of an answer signal, a modified answer signal, a V.8bis Cre/Mre tone or V.21 flags communicated between an answering modem and an originating modem, using an answering-side gateway that is capable of identifying each of said answer signal, a modified answer signal, a V.8bis Cre/Mre tone or V.21 flags and with said answering-side gateway, converting said identified ANS signal, ANSam signal, V.8bis Cre/Mre tone or V.21 flags to a format that may be conveyed over said packet network to said originating modem via an originating-side gateway.

10. Regarding claim 7, Olafsson et al. teaches that when V.8 answer tone is generated and suppresses the network echo using ANSpcm signal (column 14, lines 20-40), which reads on suppressing a voice path to said packet network, using said answering gateway, when said V.8bis Cre/MRe tone is identified; determining when said V.8bis Cre/MRe tone communication between said answering modem and said originating modem terminates.

11. Regarding claim 8, Olafsson et al. teaches that the DPCM can be placed in a off the hook state, but will answer the call (column 11, lines 48-67), which reads on re-establishing said voice path when said V.8bis Cre/MRe tone terminates.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olafsson et al. US 6768791 in view of Garakani et al. US 2002/0064168.

14. Regarding claim 9, Olafsson et al. teaches of recognizing a V.8bis Cre signal (column 11, lines 48-67 and column 12, 1-5), which read on a method of discriminating voice, data and facsimile calls communicated through a voice-over-packet network comprising; identifying any one of an answer signal, a modified answer signal, a V.8bis Cre/Mre tone or V.21 flags communicated between an answering modem and an originating modem, using an answering-side gateway that is capable of identifying each of said answer signal, a modified answer signal, a V.8bis Cre/Mre tone or V.21 flags and with said answering-side gateway, converting said identified ANS signal, ANSam signal, V.8bis Cre/Mre tone or V.21 flags to a format that may be conveyed over said packet network to said originating modem via an originating-side gateway. Olafsson et al. teaches that when V.8 answer tone is generated and suppresses the network echo using ANSpcm signal (column 14, lines 20-40), which reads on suppressing a voice path to said packet network, using said answering gateway, when said V.8bis Cre/MRe tone is identified; determining when said V.8bis Cre/MRe tone

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communication between said answering modem and said originating modem terminates.

15. Olafsson et al. fails to teach of suppressing said voice path to said packet network, using said answering gateway, when said ANS signal or said ANSam signal is detected and transitioning said answering gateway to a G.711 pass-through mode of operation when said ANS signal or said ANSam signal is detected.

16. Garakani et al. teaches of suppressing signals to high speed modems (page 5, paragraph 0067), which reads on suppressing said voice path to said packet network, using said answering gateway, when said ANS signal or said ANSam signal is detected and transitioning said answering gateway to a G.711 pass-through mode of operation when said ANS signal or said ANSam signal is detected.

17. The method of identifying ANS or ANSam signals, converting the identified signal and suppressing voice path when V.8bis Cre/Mre of Olafsson et al. could have easily been modified with the suppression method of Garakani. This modification would have been obvious to one skilled in the art at the time of the invention in order to communicate over a voice-over-packet network.

18. Regarding claim 10, Garakani et al. teaches that after suppressing the signals, the local physical layer is negotiated in accordance with V.34 protocol (page 5, paragraph 0067), which reads on transitioning said answering gateway to LLMR processing mode of operation when said LLMR indication is received from the originating-side gateway and transitioning said answering gateway to a



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V.34 facsimile processing mode of operation when V.34 facsimile relay indication is received from the originating-side gateway.

19. Regarding claim 11, Garakani et al. teaches of a re-negotiation mechanism (38) (page 5, paragraph 0068), which reads on re-establishing said voice path to said packet network, using said answering gateway, when a termination of the communication of either of said ANS or ANSam signals occurs.

### ***Allowable Subject Matter***

20. Claim 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471

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Michael Burleson  
Patent Examiner  
Art Unit 2626

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KAU Mlb  
~~September 31, 2005~~  
October 1, 2005

KA Williams

KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER